

IN RE: PETITION FOR SPECIAL HEARING
W/S Duncan Hill Road, 1300'
N of the c/l of Belfast Road
5th Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-10-SPH

James H. Rowland, Jr.
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the non-density transfer of 3.02 acres from an original 89.57 acres as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Patrick J. B. Donnelly, Esquire. Gordon T. Langdon, a registered engineer with Gerhold, Cross & Etzel, also appeared and testified on behalf of the Petition. Mrs. Thomas S. Elder and Mrs. Barbara Burke appeared and testified as Protestants.

The testimony and evidence presented indicated that the subject property, zoned R.C. 4, consists of 3.02 acres, plus or minus. The Petitioner purchased the subject property in April 1987 from Simon C. Williams who originally owned the 89.57 acre tract which is depicted on Petitioners' Exhibit 1 as the inclusive tract containing Lots 1, 2, 3 and the subject 3.02 acres. The entire parcel is zoned R.C. 4 and has road frontage on both Duncan Hill Road and Stringtown Road. Testimony indicated that the 3.02 acres, identified on Petitioner's Exhibit 1 as Deed Reference S.M. 7505-495, were transferred to Petitioner to be combined with his other property, identified as Parcel 1 on Petitioner's Exhibit 1 and consisting of 6.744 acres, plus or minus. Testimony indicated Mr. Williams transferred the 3.02 acres of land to Mr. Rowland prior to his subdivision

of the remainder of his original tract into the three lots depicted on Petitioner's Exhibit 1.

The testimony and evidence presented clearly indicated that the sole purpose for the transfer of the 3.02 acres was for the non-density transfer of additional acreage to Mr. Rowland's farm. Mr. Rowland testified that the 3.02 acres are open pasture land which rise upward to the south of his property and consequently overlook his farm in the valley. Mr. Rowland testified that he desired the additional land to enlarge the existing farm and to protect his property from encroaching development which may take place south of his property. He testified he purchased the 3.02 acres to provide a buffer for the existing farm. Mr. Rowland further testified as to the agricultural value of the land and stated it would continue as part of his present agricultural farming operation.

After Petitioner's purchase of the 3.02 acres, Mr. Williams executed a three-lot subdivision of the remaining 86.55 acre tract. A three-lot subdivision is the maximum permitted in Baltimore County without the property going through the complete development process, including County Review Group and Zoning approval. The transfer of the 3.02 acres would normally constitute a fourth subdivision of the tract, thereby requiring full developmental process. However, Mr. Williams has indicated he had no intention of transferring any density units from his original 89.57 acre tract along with the 3.02 acres to Mr. Rowland. Therefore, Mr. Williams' property should be considered a three-lot subdivision.

Testimony and evidence presented indicated that the transfer of the 3.02 acres to Mr. Rowland would be within the spirit and intent of the R.C. zoning regulations and would not violate any of the principles of agricultural and watershed preservation. The issue, therefore, is whether

or not the transfer of the 3.02 acres is a true, non-density transfer, which will not affect the original density and is being requested by Petitioner in an effort to prohibit future development near his property, or does the transfer constitute a fourth subdivision from Mr. Williams' original 89.57 acre tract.

The legislative intent and policy of the R.C. 4 zoning regulations are established in Section 1A03.1 of the B.C.Z.R. which states as follows:

"The County Council finds that major, high-quality sources of water supply for the entire Baltimore metropolitan area and for other neighboring jurisdictions lie within Baltimore County and that continuing development in the critical watersheds of those water-supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water-treatment costs and decreasing water-storage capacity. The R.C. 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds. (Bill No. 98, 1975; No. 178, 1979.)"

Consideration must also be given to Zoning Policy RSD-8. This policy clearly sets forth the right to transfer small R.C. zoned parcels for non-density purposes, if in compliance with the spirit and intent of the B.C.Z.R.

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Commw., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordi-

nance must be interpreted literally. Montgomery v. McVillarta, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1974); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well-settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished. Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied. Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying its enactment. Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427 at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvener v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatwood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "(a)ddherence to the meaning of words does not require or permit isolation of words from their con-

4) There shall be no further subdivision of the Williams' tract, specifically Lots 1, 2 and 3 as shown on Petitioner's Exhibit 1, without County Review Group approval and a new public hearing before the Zoning Commissioner.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:bjs

the Baltimore Metropolitan water supply. There will be no adverse impact on the public health, safety and general welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of March, 1988 that the non-density transfer of 3.02 acres from an original 89.57 acres in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

- 1) Petitioner shall execute and record among the land records of Baltimore County by no later than January 15, 1989 a new deed and declaration which references this case and clearly establishes the fact that the relief granted herein is for a non-density transfer of the subject property with no development rights and that there shall be no future subdivision of the 3.02 acres. Said new deed and declaration shall be submitted for approval by the Zoning Commissioner prior to recordation.
- 2) A new deed referencing this case shall be executed and recorded among the land records of Baltimore County on or before January 15, 1989 for Lots 1, 2 and 3 of the Williams' tract.
- 3) The density of Lots 1, 2 and 3 of the Williams' tract shall be based upon the acreage contained within each lot on an individual basis, and shall not contain any extra density from the 3.02 acres transferred to Petitioner, identified on Petitioner's Exhibit 1 as S.M. 7505-495. In other words, the density for each lot shall be calculated on its own merit and not refer to any density retained from the 3.02 acres.

subject transfer is completely consistent with that legislative policy so long as no development is ever permitted on this land.

The Petitioner's intentions are bona fide and in good faith and are for the sole purpose of providing him the maximum utilization of his property and for the continuing enjoyment of Petitioner's current agricultural use of that land. There is no evidence that this particular transfer would in any way foster any use of the subject property that is inconsistent with the public health, safety and general welfare of the community. On the contrary, the agricultural use of this land is completely consistent with the R.C. 4 requirements and the non-development of this property will help to protect the community. The over-riding consideration in this instance is the fact that the transfer is a non-density transfer and no development will be permitted on this land either at the present time or at any point in time in the future. The Petitioner has agreed to execute the necessary deed restrictions and restrictive covenants to prevent this lot of land from being used in any form of development and that the 3.02 acres must be maintained as a separate, distinct lot which may never be developed, improved, or subdivided.

The transfer of non-density parcels or lots is an integral part of the overall plan for the assemblage of properties which more favorably comply with the spirit and intent of the B.C.Z.R. The transfer of this particular non-density parcel is consistent with the Zoning Commissioner's Policy RSD-8. Further, Petitioner's request is consistent with the spirit and intent of the B.C.Z.R. as to the provisions respecting R.C. 4 watershed protection land. The plan as set forth in Petitioner's Exhibit 1 will retain and foster conditions favorable to continued watershed protection and will not create any additional pollution and/or sedimentation in

text'*** (since) the meaning of the plainest words in a statute may be controlled by the context....' In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B.F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

The application of the above principles to the B.C.Z.R. results in a clear finding that a non-density transfer of land, all of which is contained in the same zone, which results in a larger tract with no additional development rights, is permitted. The purposes of the R.C. 4 zone are supported by testimony in this matter in reference to the reasons for the larger tract.

The evidence and testimony clearly indicate that the sole purpose of the transfer was to increase the size of Petitioner's farm and to protect his agricultural interests and not to foster any further development on the subject property. When this case is analyzed, in light of the legislative policy found in Section 1A03.1, it is clear that the creation of a three-acre lot of land which will not contain any right of development and which will only be used as either vacant, undeveloped land or for agricultural purposes, the desires of the Petitioner are consistent with the legislative policy. It is obvious that undeveloped land maintained in either its natural state or in an agricultural use would not negatively impact upon the watershed and the substantive water supply for the Baltimore Metropolitan area. Further, the lack of development on the subject 3.02 acres will not attribute to additional pollution of the water supply. The primary purpose of the R.C. 4 zoning classification is to protect the water supply for the Baltimore Metropolitan area. Clearly the

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PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-10-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-density transfer of 3.02 acres from an original 89.57 acres of property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Owners of 86.55 acres
Simon C.D. Williams
Philipa Williams
(Type or Print Name)
Signature
Box 13
Address
Butler, Maryland 21023
City and State
Attorney for Petitioner:
Patrick J. B. Donnelly
(Type or Print Name)
Signature
929 North Howard Street
Address
Baltimore, Maryland 21201
City and State
Attorney's Telephone No.: 539-3240
Address
Baltimore, Md 21201
Phone No.

Legal Owner(s) of 3.02 acres
James H. Rowland, Jr.
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Box 613
Address
Sparks, Maryland 21152
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Carlyle Barton
Name
929 N. Howard St.
Address
Baltimore, Md 21201
Phone No.

MAP 11W236
LG
SH
DATE 4-27-88
CCJ
B.F.
1600
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of May, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of July, 1988, at 10 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ZCO-1

(over)

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks. The first publication appearing on June 23, 1988.

THE JEFFERSONIAN,

S. Zake Orlean
Publisher

33.75

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 7/11/88

Mr. & Mrs. Simon C.D. Williams
Box 13
Butler, Maryland 21023

and

Mr. & Mrs. James H. Rowland, Jr.
Box 613
Sparks, Maryland 21152

Re: Petition for Special Hearing
Case Number: 89-10-SPH
W/S Duncan Hill Road, 1300' N c/l Belfast Road

Dear Petitioners:

Please be advised that \$92.93 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52945

DATE 7/13/88 ACCOUNT 01-615

AMOUNT \$ 92.93

RECEIVED FROM Simon C.D. Williams

FOR Posting and Advertising (89-10 SPH)

8 025*****9253: a 1194F

VALIDATION OR SIGNATURE OF CASHIER

ADDENDUM

The acreage reflected in this application as being owned by Simon C.D. Williams and Philippa Williams, his wife, is the total acreage in their parcel prior to the conveyance of 8.75 acres to John W. Edelen and Frances F. Edelen, his wife. The Williams parcel now contains 77.80 acres. John W. Edelen and Frances F. Edelen are executing this application as owners of one of the lots to be subdivided from the Williams' total original tract of 86.55 acres.

John W. Edelen
John W. Edelen

Frances F. Edelen
Frances F. Edelen
14921 Tanyard Road
Sparks, Maryland 21152

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

April 20, 1988

Zoning Description

All that piece or parcel of land situate, lying and being in the Fifth Election District Of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the West side of Duncan Hill Road at the distance of 1,300 feet measured northerly along Duncan Hill Road from the center of Belfast Road and containing 89.57 Acres of land and recorded under deeds S.W. No. 7505 Folio 503 and S.W. No. 7505 folio 495 and also known as No. 15310 and 15412 Duncan Hill Road and shown on a plat filed with the Zoning Department of Baltimore County.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

June 2, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-10-SPH
W/S Duncan Hill Road, 1300' N c/l Belfast Road
5th Election District - 3rd Councilmanic
Petitioner(s): James H. Rowland, Jr., et al
HEARING SCHEDULED: TUESDAY, JULY 19, 1988 at 10:00 a.m.

SPECIAL HEARINGS A non-density transfer of 3.02 acres from an original 89.57 acres of property.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CC: James H. Rowland, Jr., et al
Simon C.D. Williams, et al
Carlyle Barton
Patrick J. B. Donnelly, Esq.
File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S Duncan Hill Rd., 1300' N c/l
Belfast Rd., 5th District : OF BALTIMORE COUNTY
JAMES H. ROWLAND, JR., et al., : Case No. 89-10-SPH
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of June, 1988, a copy of the foregoing Entry of Appearance was mailed to Patrick J. B. Donnelly, Esquire, 929 North Howard St., Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-10-SPH

District 5th Date of Posting
Posted for: Special Hearing
Petitioner: James H. Rowland, Jr. and Simon C.D. Williams, et al.
Location of property: W/S of Duncan Hill Road 1300' N c/l of Belfast Rd.
Location of Sign: Sign will be placed on Duncan Hill Road 1300' N c/l of Belfast Rd. and on the north side of the road at the point of subject property.
Remarks: 1 sign will be placed on Duncan Hill Road 1300' N c/l of Belfast Rd. and on the north side of the road at the point of subject property.
Posted by: J. Robert Haines
Number of Signs: 2
Date of return: June 24, 1988

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., June 23, 1988

THIS IS TO CERTIFY that the annexed Reg. #15036 P.O. #01146 was published for one (1) successive week(s) previous to the 23rd day of June, 1988, in the

- ☐ Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
☐ Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
☒ Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per: Sandra R. [Signature]

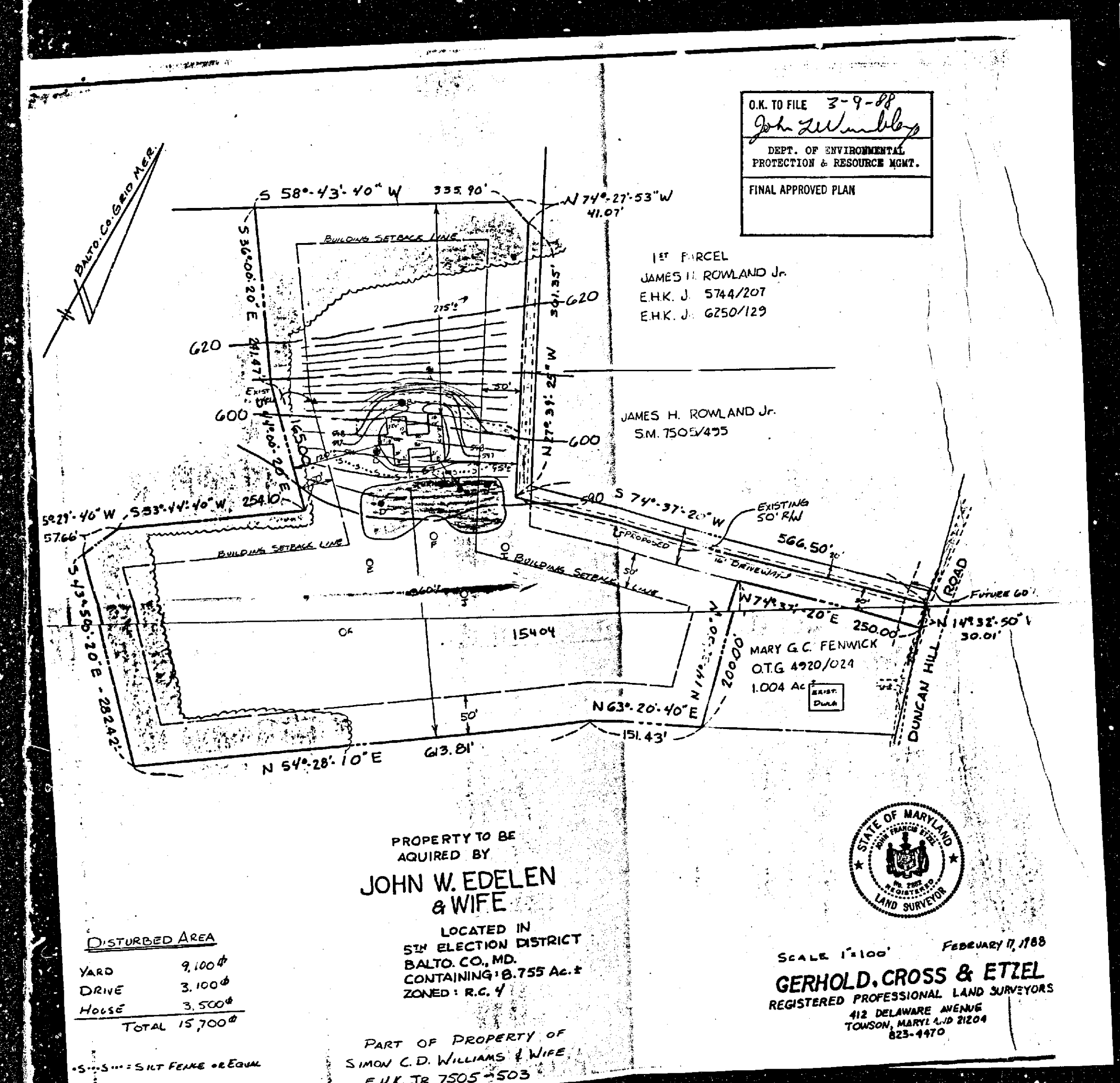
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APPLICATION FOR PERMIT BALTIMORE COUNTY MARSHLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARSHLAND 21204											
DATE RECEIVED 2 6		DATE ISSUED 10-00-00		DATE REVISION 10-00-00		DATE REVIEW 10-00-00		DATE APPROVAL 10-00-00		DATE CLOSURE 10-00-00	
PROJECT NO. 20-00-070005 PT.											
BUILDING ADDRESS 1504 N DUNCAN HILL RD.											
OWNER'S NAME JOHN W. FELEN JR. & FRANCES											
BUILDING ADDRESS OF OWNER 14921 TANYARD RD. SPARKS, MD 21152											
PHONE NO. 771-4157											
BUILDING DESCRIPTION TRELLIS HOMES INC. 1410 GERBER LA. SPARKS, MD 21152											
ARCHITECT'S NAME GERHOLD, CROBS & ETZEL											
ARCHITECT'S ADDRESS 112 DELAWARE AVE TOWSON, MD 21204 SEAL #2882											
ARCHITECT'S PHONE NO. C. D. SIMON & PHILLIP WILLIAMS											
ARCHITECT'S ADDRESS P.O. BOX 13 BUTLER, MD 21023											
BUILDING DESCRIPTION W/S/R DUNCAN HILL RD, 1300' N OF BELFAST RD.											

A. TYPE OF IMPROVEMENT						C. TYPE OF USE					
<input type="checkbox"/> NEW BUILDING CONSTRUCTION <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> RECONSTRUCT EXISTING BUT NOT IDENTICAL <input type="checkbox"/> RECONSTRUCT EXISTING BUT IDENTICAL						<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> ONE FAMILY <input type="checkbox"/> TWO FAMILY <input type="checkbox"/> THREE AND FOUR FAMILY <input type="checkbox"/> MULTIPLE FAMILY (APARTS) NO UNITS <input type="checkbox"/> FARMHOUSE					
<input type="checkbox"/> BECOME IMPROVED MORTGAGE <input type="checkbox"/> 1-1 AND FARM CODE						<input type="checkbox"/> NON-RESIDENTIAL <input type="checkbox"/> AMUSEMENT, RECREATION PLACE OF ASSEMBLY <input type="checkbox"/> CHURCH, OTHER RELIGIOUS BUILDING <input type="checkbox"/> FOOD SERVICE, RESTAURANT <input type="checkbox"/> MEDICAL, SURGICAL, DENTAL, VETERINARY <input type="checkbox"/> MANUFACTURING <input type="checkbox"/> SERVICE STATION, REPAIR GARAGE <input type="checkbox"/> HOSPITAL, INSTITUTION, NURSING HOME <input type="checkbox"/> OFFICE, BANK, PROFESSIONAL <input type="checkbox"/> PUBLIC UTILITY <input type="checkbox"/> SCHOOL, COLLEGE, OTHER EDUCATIONAL <input type="checkbox"/> SHOP <input type="checkbox"/> STORAGE <input type="checkbox"/> STOCK <input type="checkbox"/> STONE <input type="checkbox"/> SYMPHONY <input type="checkbox"/> THEATRE <input type="checkbox"/> TRAINING PLACE <input type="checkbox"/> WAREHOUSE <input type="checkbox"/> WHOLESALE					
CONSTRUCT SINGLE FAMILY DWELLING WITH ATTACHED AND OUTSIDE RECREATIONS RECORDED BY DEED 7807/428. NEW LOT SIZE: 8.755 AC.						<input type="checkbox"/> HOTEL, RESORT <input type="checkbox"/> BLACK <input type="checkbox"/> BLOCK <input type="checkbox"/> CARPENTRY <input type="checkbox"/> CEMENT <input type="checkbox"/> CONCRETE <input type="checkbox"/> FARM <input type="checkbox"/> FILL <input type="checkbox"/> FURNACE <input type="checkbox"/> GROUND <input type="checkbox"/> HILL <input type="checkbox"/> HOUSE <input type="checkbox"/> LANDSCAPE <input type="checkbox"/> MASONRY <input type="checkbox"/> MECHANICAL <input type="checkbox"/> METAL <input type="checkbox"/> MORTAR <input type="checkbox"/> PAINT <input type="checkbox"/> PLASTER <input type="checkbox"/> ROOF <input type="checkbox"/> SLOPE <input type="checkbox"/> STONE <input type="checkbox"/> SYMPHONY <input type="checkbox"/> THEATRE <input type="checkbox"/> TRAINING PLACE <input type="checkbox"/> WAREHOUSE <input type="checkbox"/> WHOLESALE					

B. OWNERSHIP <input type="checkbox"/> INDIVIDUALLY OWNED <input type="checkbox"/> JOINTLY OWNED ESTIMATED COST OF IMPROVEMENT \$ 150,000.00 ESTIMATED VALUE OF IMPROVEMENT \$ 150,000.00		CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY <input type="checkbox"/> ONE-UNIT RESIDENTIAL <input type="checkbox"/> TWO-UNIT RESIDENTIAL <input type="checkbox"/> THREE-UNIT RESIDENTIAL <input type="checkbox"/> FOUR-UNIT RESIDENTIAL <input type="checkbox"/> FIVE-UNIT RESIDENTIAL <input type="checkbox"/> SIX-UNIT RESIDENTIAL <input type="checkbox"/> SEVEN-UNIT RESIDENTIAL <input type="checkbox"/> EIGHT-UNIT RESIDENTIAL <input type="checkbox"/> NINE-UNIT RESIDENTIAL <input type="checkbox"/> TEN-UNIT RESIDENTIAL <input type="checkbox"/> ELEVEN-UNIT RESIDENTIAL <input type="checkbox"/> TWELVE-UNIT RESIDENTIAL <input type="checkbox"/> THIRTEEN-UNIT RESIDENTIAL <input type="checkbox"/> FOURTEEN-UNIT RESIDENTIAL <input type="checkbox"/> FIFTEEN-UNIT RESIDENTIAL <input type="checkbox"/> SIXTEEN-UNIT 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D. TYPE OF CONSTRUCTION				E. TYPE OF WATER SUPPLY				F. RESIDENTIAL ONLY			
<input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> RECONSTRUCT EXISTING BUT NOT IDENTICAL <input type="checkbox"/> RECONSTRUCT EXISTING BUT IDENTICAL				<input type="checkbox"/> PUBLIC SYSTEM <input type="checkbox"/> PRIVATE SYSTEM <input type="checkbox"/> WELL <input type="checkbox"/> CISTERN <input type="checkbox"/> OTHER				<input type="checkbox"/> SINGLE FAMILY UNITS <input type="checkbox"/> MULTIPLE FAMILY UNITS <input type="checkbox"/> TOTAL NO. OF RESIDENTIAL 3 <input type="checkbox"/> TOTAL NO. OF APARTMENTS 3 <input type="checkbox"/> TOTAL NO. OF SEPARATE BUILDINGS 3 <input type="checkbox"/> TOTAL NO. OF SEPARATE BUILDINGS 3 <input type="checkbox"/> TOTAL NO. OF SEPARATE BUILDINGS 3 <input type="checkbox"/> TOTAL NO. OF SEPARATE BUILDINGS 3 <input type="checkbox"/> TOTAL NO			

[illegible][illegible][illegible]

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

May 23, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Item No. 388 - ZAC - Meeting of May 3, 1988
Property Owner: James H. Rowland, Jr./Simon C.D. Williams,
et. ux.
Location: W/S Duncan Hill Rd., 1200' N of the C/L
of Belfast Road
Existing Zoning: R.C. 4

Dear Mr. Haines:

Please see the C.R.G. comments for this site.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
MAY 26 1988
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

May 18, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Re: Property Owner: James H. Rowland, Jr./Simon D. C. Williams,
et ux
Location: W/S Duncan Hill Rd., 1300' N. of the c/l Belfast Road

Item No.: 388 Zoning Agenda: Meeting of 5/3/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Kelly 5-18-88* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 11, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Patrick J. B. Donnelly, Esquire
929 North Howard Street
Baltimore, Maryland 21201

RE: Item No. 388 - Case No. 89-10-SPH
Petitioner: James H. Rowland, et al
Petition for Special Hearing

Dear Mr. Donnelly:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Date: June 27, 1988
Zoning Commissioner
FROM: P. David Fields, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition #89-10-SPH

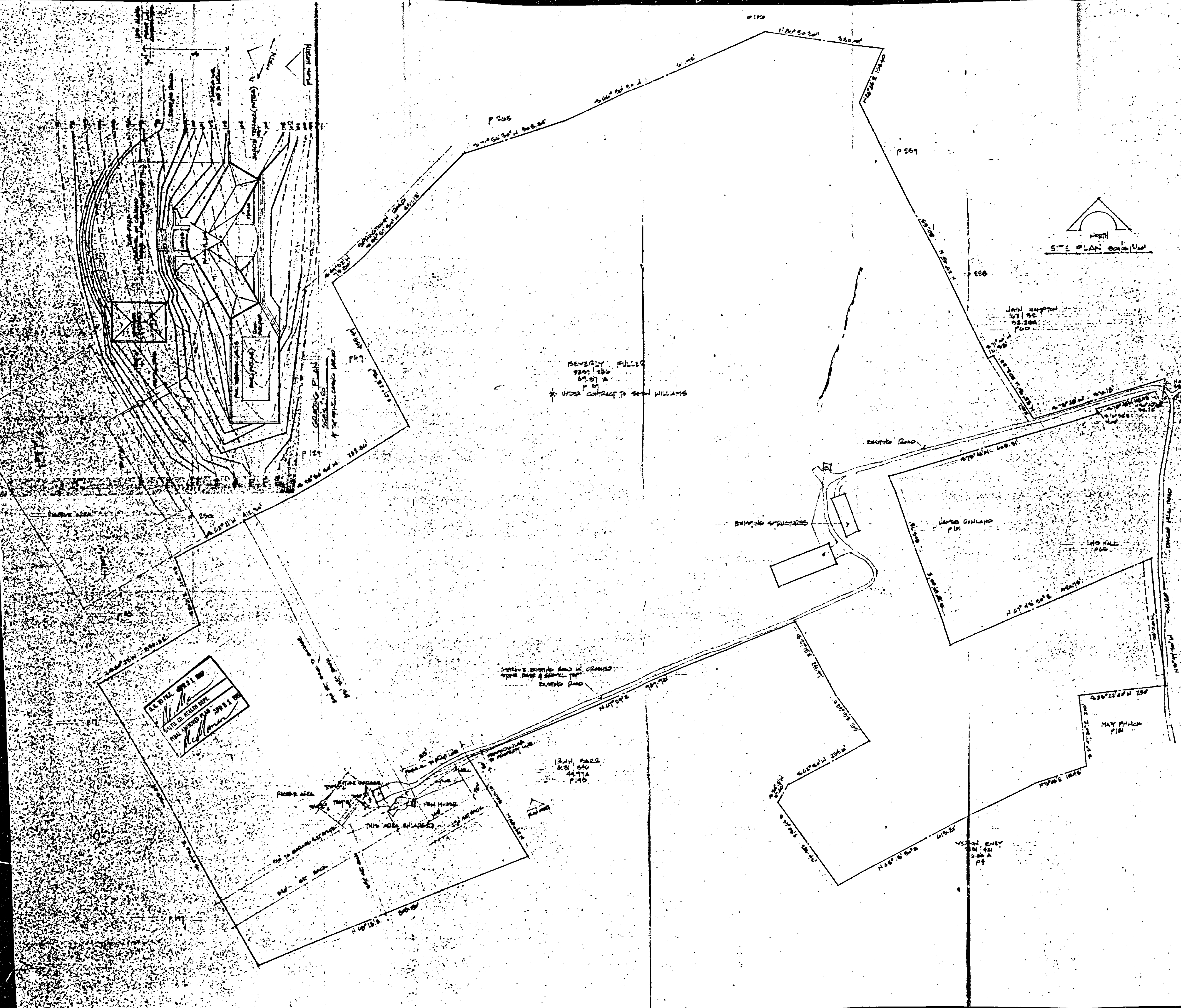
As long as this transfer does not increase the number of permitted dwelling units for the unbuildable 3.02-acre parcel of land to be transferred, for the abutting 6.744-acre property owned by James H. Rowland, Jr. and Wife, or the combination thereof, this office is not opposed to the granting of the subject request.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
G. Kerns
C. Richards

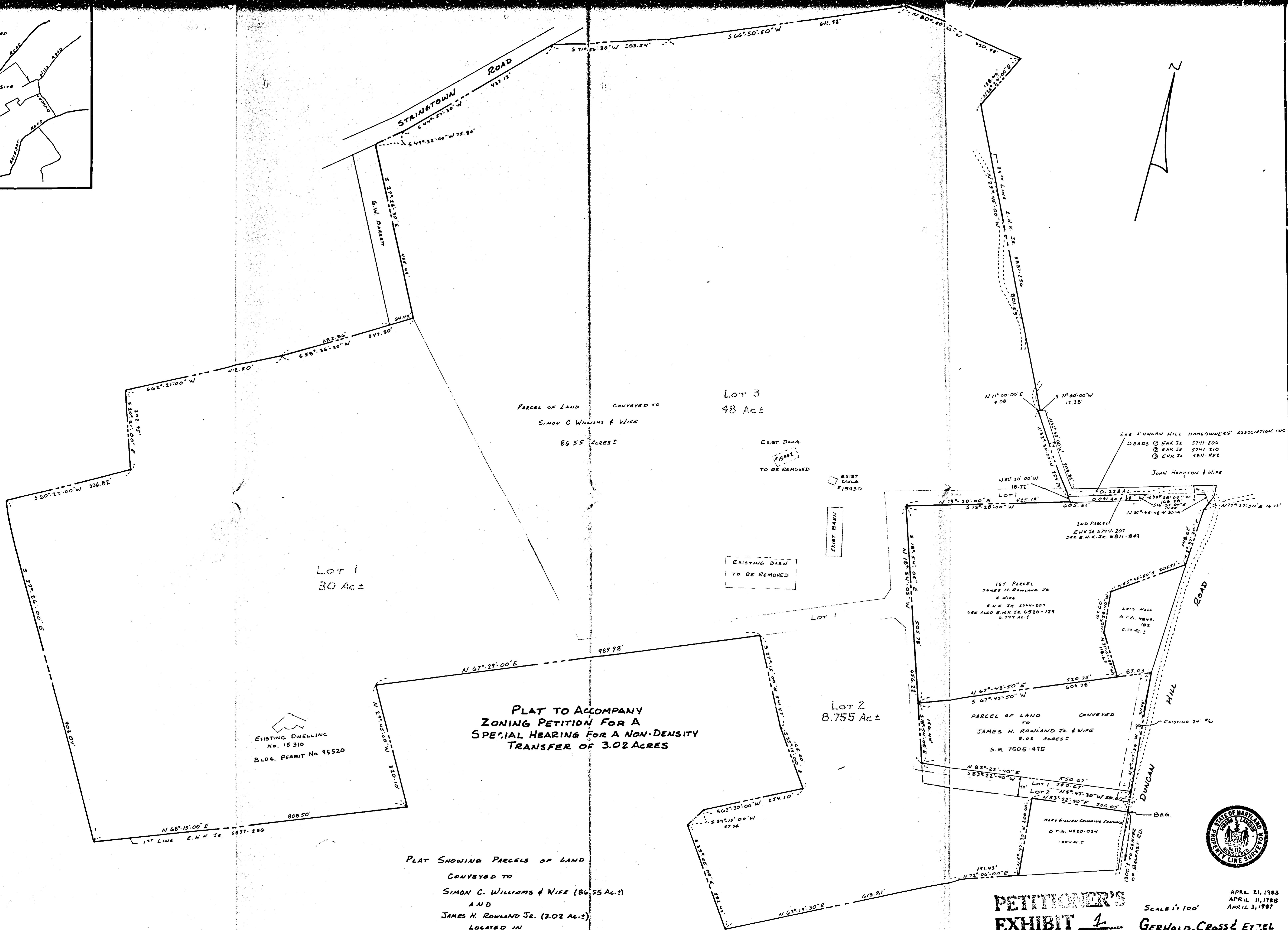
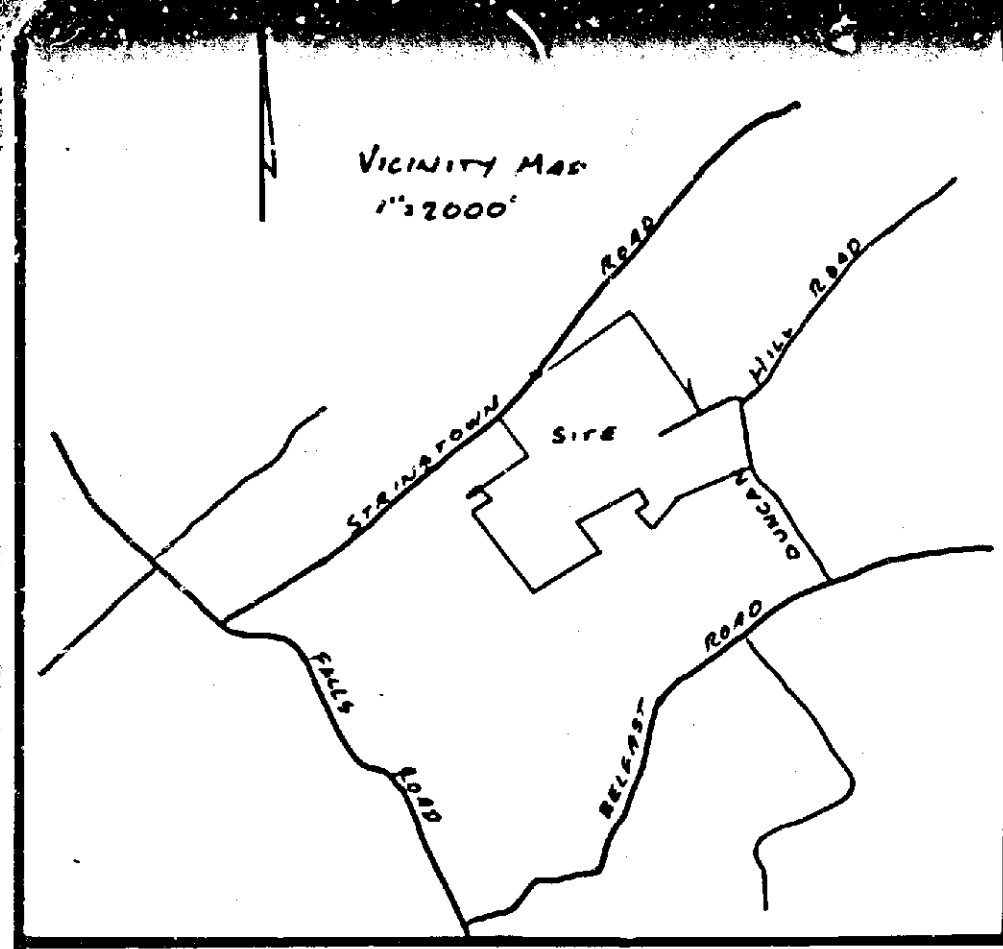
CC. Patrick J. Donnelly, Esq.
6/30/88
CPS-008

RECEIVED
JUN 23 1988
ZONING OFFICE



J. H. Eccleston, Johnston, Jr. A.I.A.
 1812 Great Oaks Drive
 Round Rock, Texas 78681
 (512) 255-7435

**WILLIAMS
 RESIDENCE**



PLAT SHOWING PARCELS OF LAND
CONVEYED TO
SIMON C. WILLIAMS & WIFE (86.55 AC.)
AND
JAMES H. ROWLAND JR. (3.02 AC.)
LOCATED IN
5TH ELECTION DISTRICT
BALTIMORE COUNTY MARYLAND

PETITIONER'S EXHIBIT 1

EXISTING ZONING: RC 4
TITLE: S.M. 7505-495
S.M. 7505-503

SCALE 1" = 100'

APRIL 21, 1988
APRIL 11, 1988
APRIL 3, 1987

GERHOLD, CROSS & ETZEL

REG. PROF. LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204





Baltimore County
County Office Building
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 17, 1996

Mr. Louis Carrico
15430 Duncan Hill Road
Sparks, MD 21152

RE: Zoning Verification
Lot 3 - Duncan Hill Manor
Zoning Case 89-10-SPH
5th Election District

Dear Mr. Carrico:

The staff has reviewed your request for zoning confirmation that additional zoning hearings are not required for the non-density transfer of part of lot, 3 as shown on your provided plan.

This review has given indication that there has been a zoning case (89-10-SPH) on this site in which several restrictions were applied. These restrictions (copy provided), one of which requires that no further subdivision of this tract is permitted without new CRG approval and a zoning public hearing, clearly shows that this office cannot administratively approve the proposed subdivision.

The staff also contacted Mr. Wally Lippincott of DEPRM (Department of Environmental Protection and Resource Management) concerning the applicability (to this site) of the Maryland Agricultural Land Preservation Program regulations as written in Section 1A01.4 of the Baltimore County Zoning Regulations (BCZR). Mr. Lippincott has confirmed that this section of the BCZR does not apply to this site. Mr. Richards, of this office, was under the erroneous impression (per your earlier phone conversations) that Section 1A01.4 was applicable and regrettably this is not the case. Also, Mr. Richards was not aware of the zoning case restrictions on this site.

Based on the above issues, a zoning special hearing and compliance with the zoning case restrictions are required for any proposed subdivision.

Mr. Louis C. Carrico
December 17, 1996
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:rye

c: zoning case 89-10-SPH

Enclosures

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

CRG DATE: 3/5/92
(Continued from 1/30/92)
PRE-CRG DATE: 2/24/92

PROJECT NAME: Duncan Hill Manor
(formerly 91-190-MP)

PLAN: 1/29/92
REV.: 2/24/92 REV.

LOCATION: W/S Duncan Hill Road,
1300' N of Belfast Road

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG
APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

DISTRICT: 5c3

PROPOSAL: R.C. Lot Subdivision

The zoning hearing and C.R.G. plans have been reviewed by the staff at this level of detail for uniformity and general compliance with the Baltimore County Zoning Regulations. The following comments are generalized for the C.R.G. and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. When the public hearing was requested, the assistance received at the time of filing the zoning petition and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the previous and any possible future public hearing requests.

1. HISTORY: Emphasis is placed on listing all restrictions in Zoning Case #89-10-SPH, particularly #3, which must be referenced in the density notes. Show the entire tract outline with a bold line and all metes and bounds as originally represented on the approved public hearing plan. This includes the area of 3.02 acres, which was the subject of a non-density transfer permitted in this zoning case.

(Over)

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Duncan Hill Manor
CRG DATE: 3/5/92
PRE-CRG DATE: 2/24/92
PAGE 2

2. Show lot size in acreage for the non-density transfer parcel and correct the notes for the number of lots being created and the remaining density. There are actually 4 lots being created from the existing lot #3. Also show density for remaining lots #1 and #2 in compliance with the Zoning Order restriction #3. Note that all dwellings will be single family.

3. As previously requested in Minor Subdivision #91-190-MP comments and C.R.G. comments dated 1/30/92, the following comments still apply:

Note on the plan under the density calculation: "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SINCE 1975. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS."

Clarify if the use on the remaining tract is currently a bona fide farm and that the use will continue as a reduced acreage farm after the subdivision. Though the tenant farmers dwelling is no longer an issue due to removal, the farm use must still be validated. (See attached Zoning Policy A-17 for requirements.)

A Final Development Plan is required that includes all land that was part of the remaining parcel since 1975. 2/27/92 received plan including the 3.02 ac. ROWLAND lot.

Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments and finally, the inclusion of the Final Development Plan checklist information being included on the building permit site plans.

John L. Lewis
Planner II

JLL:scj

Revised Plan Comments
Plan Date: 12/3/92
Comments Date: 12/4/92

This plan is approved for C.R.G. for zoning.

John L. Lewis, Planner II

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Jose Escalante August 28, 1992
Bureau of Public Services

FROM: John L. Lewis
Z.A.D.M.

SUBJECT: Duncan Hill Manor C.R.G. Plan

This memo confirms our conversation of August 28, 1992 concerning the above subdivision. A revised plan was forwarded to Zoning by your office on July 9, 1992. On July 10, 1992 I contacted you concerning the unaddressed comments on these revised plans. You have since contacted the engineer on several occasions concerning this matter and no further revised plans have been received as of the date of this memo.

JLL:scj

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Jose Escalante August 28, 1992
Bureau of Public Services

FROM: John L. Lewis
Z.A.D.M.

SUBJECT: Duncan Hill Manor C.R.G. Plan

This memo confirms our conversation of August 28, 1992 concerning the above subdivision. A revised plan was forwarded to Zoning by your office on July 9, 1992. On July 10, 1992 I contacted you concerning the unaddressed comments on these revised plans. You have since contacted the engineer on several occasions concerning this matter and no further revised plans have been received as of the date of this memo.

JLL:scj

FOR CRG REVIEW REFERENCE

THE PLAN COMMENTS WERE NOT FINALIZED SINCE I EXPECTED TO MEET WITH RICH AFTER JOSE CONTACTED HIM. (9/22/92 AN ANSWER RETURNING TO FILES.)

ON 12/1/92 JOSE ESCALANTE BROUGHT PLAN TO ME FOR RE-REVIEW. COMMENTS STILL LACK COMPLIANCE. ON PLANS, I PROVIDED JOSE COPIES OF THESE PLAN COMMENTS AND Z.C. RESTRICTIONS HE WILL CONTACT ENGINEER.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

CRG DATE: 3/5/92
(Continued from 1/30/92)
PRE-CRG DATE: 2/24/92

PROJECT NAME: Duncan Hill Manor
(formerly 91-190-MP)

PLAN: 1/29/92
REV.: 3/17/92 REV.
PUB DWS (145) 7/8/92

LOCATION: W/S Duncan Hill Road,
1300' N of Belfast Road

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG
APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

DISTRICT: 5c3

PROPOSAL: R.C. Lot Subdivision

The zoning hearing and C.R.G. plans have been reviewed by the staff at this level of detail for uniformity and general compliance with the Baltimore County Zoning Regulations. The following comments are generalized for the C.R.G. and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. When the public hearing was requested, the assistance received at the time of filing the zoning petition and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the previous and any possible future public hearing requests.

1. HISTORY: Emphasis is placed on listing all restrictions in Zoning Case #89-10-SPH, particularly #3, which must be referenced in the density notes. Show the entire tract outline with a bold line and all metes and bounds as originally represented on the approved public hearing plan. This includes the area of 3.02 acres, which was the subject of a non-density transfer permitted in this zoning case. CORRECT THE ZONING PLAN HEADING REFERENCE ON THE PLAN SHOWN AS ZONING CASE 89-10-SPH

(Over)

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Duncan Hill Manor
CRG DATE: 3/5/92
PRE-CRG DATE: 2/24/92
PAGE 2

2. Show lot size in acreage for the non-density transfer parcel and correct the notes for the number of lots being created and the remaining density. There are actually 4 lots being created from the existing lot #3. Also show density for remaining lots #1 and #2 in compliance with the Zoning Order restriction #3. Note that all dwellings will be single family. THE # OF LOTS MAY NOT BE SUBMITTED PER ZC RESTRICTION #5

3. As previously requested in Minor Subdivision #91-190-MP comments and C.R.G. comments dated 1/30/92, the following comments still apply:

Note on the plan under the density calculation: "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SINCE 1975. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS."

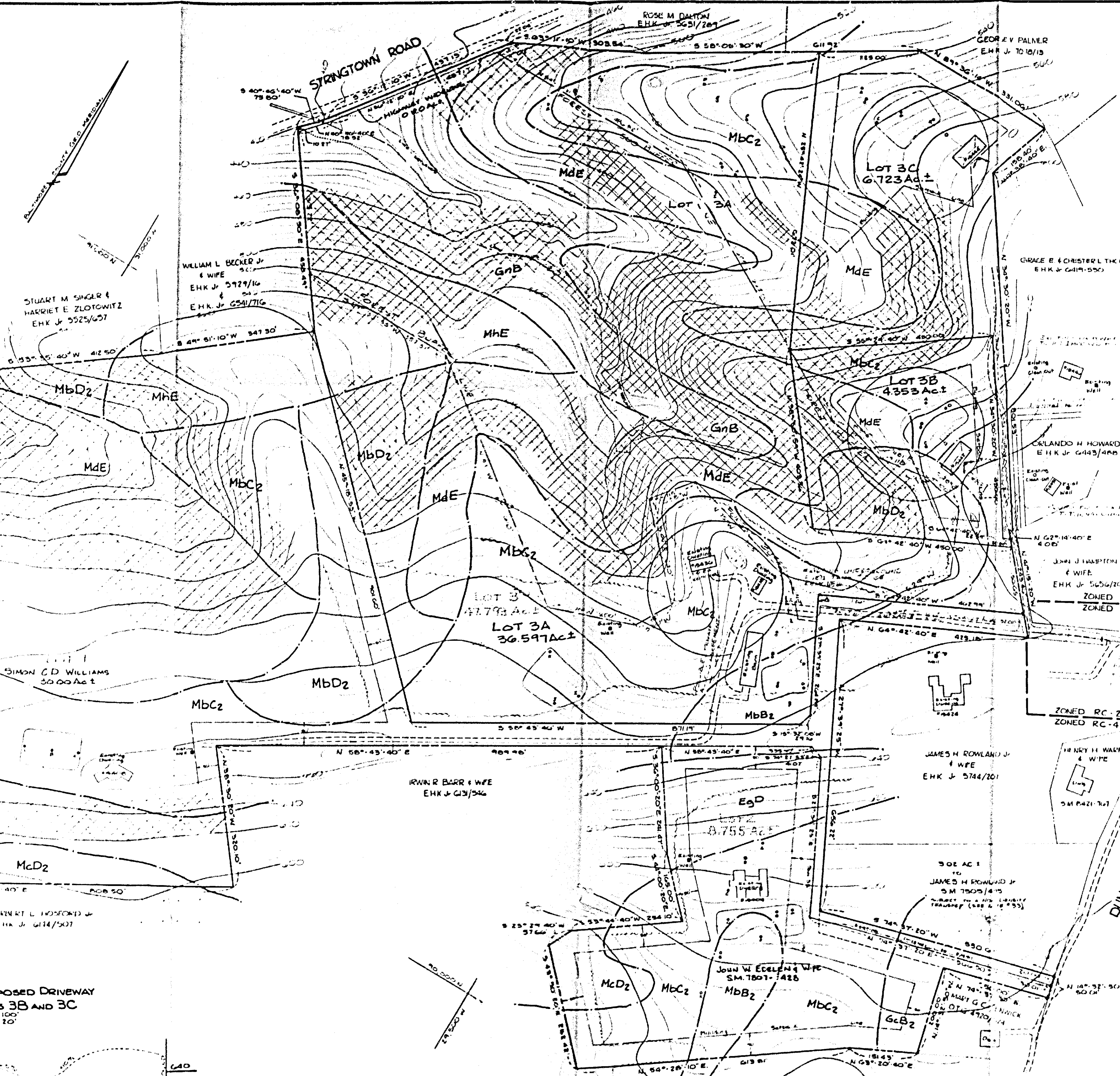
Clarify if the use on the remaining tract is currently a bona fide farm and that the use will continue as a reduced acreage farm after the subdivision. Though the tenant farmers dwelling is no longer an issue due to removal, the farm use must still be validated. (See attached Zoning Policy A-17 for requirements.) A REVISION OF ZONING RECORDS HAS FAILED TO LOCATE THE REDUCED ACREAGE FARM APPROVAL REFERENCED IN PLAN DATE #40

A Final Development Plan is required that includes all land that was part of the remaining parcel since 1975.

Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments and finally, the inclusion of the Final Development Plan checklist information being included on the building permit site plans.

John L. Lewis
Planner II

JLL:scj



- DENSITY TABULATION
(see page 5)
- CTV 26 OF 1977: 09 00 00 00 00 00
OF 3 41 79 00 00 00 00
OF 2 01 10 00 00 00 00
OF 1 00 00 00 00 00 00

C.R.G PLAN

RESUBDIVISION OF

4/20/11 11:41:01

LOCATED IN

5th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DEED REF: 8M 8066 Sub 63
CONTAINING: 4779A?

TAX NO : 22-00-00602

OWNER/ LOUIS C OLYN F C

DEVELOPER: 15438 DUNCAN HILL
BUTLER, MD 21532

But from 1

7/9/72

11/25/2001

✓ *Staphylococcus aureus*

Scanned with

GERHOLD, CROG.

GERHOLD, CROSS

REGISTERED PROFESSIONAL
412 COLUMBIA

TOWSON, MARI, A

83-475

SOILS INFORMATION				
TYPE	DRAINAGE		SEPTIC FIELDS	STREET & PARKING
	LOW RAINFALL	HIGH RAINFALL		
LyD	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE
GM	DEEPER HIGH WATER TABLE	MORE OR LESS HIGH WATER TABLE	DEEPER HIGH WATER TABLE; MORE OR LESS FLOW PROBABLY	DEEPER: HIGH WATER TABLE
MD	MORE OR LESS SLOPE	MORE OR LESS SLOPE	MORE OR LESS SLOPE	DEEPER: SLOPE
MD	SLIGHT	SLIGHT	SLIGHT	SLIGHT
MD	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE
MD	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE
MD	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE	DEEPER SLOPE

PAHPANDE NOTE

1. Covenants are to be noted on the record plat results for common use and maintenance of the parkside driveway.
2. The parkside driveway shall be built in accordance with standards established by the Director of Public Works. The parkside driveway shall be paved within one year of the issuance of the first occupancy permit or prior to the issuance of the first lot to be served, whichever comes first.

<u>DATE</u>	<u>REVISION</u>
8-19-61	FIRST P. FREE REWROD
7-7-61	CORRECT TABULATION AND "NOTES" ON P. 2
3-11-61	P. FIVE-THREE REWRD

Plans from Rob Sued (not approved)
7/17/72
see approved memo - P.S. 8/18/72
re: [unclear]

SCALE: 1"=100' January 20, 1992

GERHOLD, CROSS & ETZEL.

REGISTERED PROFESSIONAL LAND SURVEYORS

412 DELAWARE AVENUE
TOWSON, MARY. AND 2254

623-4672
